

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION**

EXXON MOBIL CORPORATION,

§

§

Plaintiff,

§

§

v.

§

§

ROBERT ANDRES BONTA A.K.A.

§

ROB BONTA, IN HIS INDIVIDUAL

§

Case No. 1:25-cv-00011-MJT

CAPACITY; SIERRA CLUB, INC.;

§

SURFRIDER FOUNDATION, INC.;

§

HEAL THE BAY, INC.; BAYKEEPER,

§

INC.; AND INTERGENERATIONAL

§

ENVIRONMENT JUSTICE FUND LTD.

§

§

Defendants.

§

**U.S. NONPROFIT DEFENDANTS' OPPOSITION TO
PLAINTIFF'S MOTION TO CANCEL ORAL HEARING SET FOR JULY 10, 2025**

Defendants Sierra Club, Surfrider Foundation, Inc., Heal the Bay, Inc., and Baykeeper, Inc. (“U.S. Nonprofit Defendants”) oppose Plaintiff’s motion to cancel or reschedule the oral hearing set for the July 10, 2025 on U.S. Nonprofit Defendants’ Joint Motion to Transfer to the Northern District of California (“Motion to Transfer”). *See* Doc. 88 (June 10, 2025 Order setting oral hearing).

I. Oral Argument on the Motion to Transfer Should Proceed on July 10

1. *Oral argument on the Motion to Transfer should be heard before oral argument on the motions to dismiss.* The interests of judicial economy and efficiency warrant deciding the Motion to Transfer prior to holding a hearing on the motions to dismiss. If the Motion to Transfer is granted then all parties, including Plaintiff, will have saved the time and expense of preparing

to argue the motions to dismiss. The Court will likewise save time and effort.

2. *Plaintiff's Motion is untimely and would be prejudicial if granted.* The July 10 hearing has been set for over three weeks, with only eight days remaining before the hearing. U.S. Nonprofit Defendants' counsel have arranged their professional and family schedules around the July 10 hearing date. It is prejudicial to the U.S. Nonprofits to cancel the July 10 hearing at this late stage.

ExxonMobil could have requested a hearing date on the motions to dismiss at the June 6 case management conference or shortly thereafter. And if ExxonMobil wanted all motions heard on the same day, it could have made that request in early June, after the transfer motion hearing was set. ExxonMobil's belated request should be denied.

3. *The Transfer Motion warrants its own hearing separate from motions to dismiss.* The sole basis for Plaintiff's request to cancel the July 10 hearing is to hear all motions on the same day. But the transfer motion is substantial enough that it should be argued on a date separate from the six pending motions to dismiss, which themselves present numerous significant issues.

II. U.S. Nonprofit Defendants Do Not Object to a Separate Hearing on the Motions to Dismiss

The U.S. Nonprofit Defendants do not object to a separate oral hearing on the motions to dismiss *if* the motion to transfer is denied.

U.S. Nonprofit Defendants request that the Court not schedule a hearing on the motions to dismiss until it issues an order on the Motion to Transfer. U.S. Nonprofit Defendants further request that a hearing on the motions to dismiss be scheduled for a time convenient to the Court

after school is back in session for counsels' children, when summer scheduling conflicts are resolved.¹

CONCLUSION

For the reasons set forth above, ExxonMobil's motion should be denied.

¹ ExxonMobil requests that the Court set a hearing "on or after August 7, 2025." Counsel for Sierra Club has preexisting travel plans with family during August. The U.S. Nonprofit Defendants respectfully request that, in the event the transfer motion is denied, any hearing on the pending motions to dismiss be scheduled for no earlier than September 9, 2025.

Dated: July 2, 2025

Respectfully submitted,

BURT BARR & ASSOCIATES. L.L.P.

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CERTIFICATE OF SERVICE

I hereby certify that on this 2nd day of July 2025, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will send notice of such filing to all counsel of record.

s/ Scott E. Gant